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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

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UNITED STATES OF AMERICA, ) CRIMINAL ACTION NO. 2:20-cr-177  
Plaintiff, )  
vs. ) JUDGE CAIN  
GRANTHAM MITCHELL, )  
Defendant. ) MAGISTRATE JUDGE KAY

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CHANGE OF PLEA HEARING

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Transcript of Proceedings before The Honorable  
Patrick J. Hanna, United States Magistrate Judge,  
Lafayette, Lafayette Parish, Louisiana, commencing  
on July 12, 2022.

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Appearances of Counsel:

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25  
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(Lafayette, Lafayette Parish, Louisiana; July 12, 2022,  
in open court.)

THE CSO: All rise.

THE COURT: Good afternoon, please be seated.

MR. WALKER: Good afternoon.

MR. STOCKSTILL: Good afternoon, Judge.

THE COURT: All right. This is United States versus Grantham Mitchell, 2:20-cr-177 for a change of plea hearing. Let me have appearances of counsel, please.

MR. WALKER: Luke Walker on behalf of the United States.

MR. STOCKSTILL: Kevin Stockstill on behalf of Grantham Mitchell.

THE COURT: Mr. Mitchell, can you please come forward and be sworn.

MR. WALKER: And Your Honor, can I say one thing before going forward with the hearing?

THE COURT: Sure.

MR. WALKER: This matter originally, because it was a Judge Kay case, I know the documents say Magistrate Judge Kay on them instead of -- He had already signed the documents, and so I didn't have the ability to change it to your name.

THE COURT: I don't mind lining them out if nobody else minds.

COURTROOM DEPUTY: Please raise your right hand. Do

1 you solemnly swear or affirm the testimony you will give in this  
2 case will be the truth, the whole truth, and nothing but the  
3 truth, so help you God?

4 THE DEFENDANT: I do.

5 COURTROOM DEPUTY: Thank you.

6 THE COURT: Tell me your name, please, sir.

7 THE DEFENDANT: Grantham Mitchell.

8 THE COURT: Mr. Mitchell, you understand that now that  
9 you've been sworn, your answers to my questions will be subject  
10 to the penalties of perjury or making a false statement if you do  
11 not answer truthfully?

12 THE DEFENDANT: Yes, sir, Your Honor.

13 THE COURT: I'm a United States Magistrate Judge. I'm  
14 not a district judge. As a magistrate judge, I'm not empowered  
15 to accept a guilty plea in a felony case like this. I am  
16 empowered to talk to you today and decide whether to recommend to  
17 Judge Cain if he should accept or not accept your guilty plea.

18 What will happen is I will preside over this hearing  
19 instead of Judge Cain. I will talk to you about your case and  
20 take your testimony in your proposed plea. We will prepare a  
21 transcript that will be provided to Judge Cain who will decide to  
22 accept or reject your guilty plea after I make a recommendation.  
23 Do you understand?

24 THE DEFENDANT: Yes, sir, Your Honor.

25 THE COURT: Do you waive the right to appear before a

1 district judge and consent to appear before me today?

2 THE DEFENDANT: Yes, sir, Your Honor.

3 THE COURT: Mr. Walker, do you have the consent?

4 MR. WALKER: I do, Your Honor.

5 THE COURT: All right. The record will reflect that  
6 defendant and his counsel have signed the Consent to Plead Before  
7 a Magistrate Judge in a Felony Case with Waiver of Objection to  
8 Report and Recommendation. It's also been signed by Mr. Nickel.  
9 I will line through Judge Kay's name and initial that, and I will  
10 sign my own. First I guess I'll print it.

11 MR. WALKER: Actually, Your Honor, I signed all the  
12 documents.

13 THE COURT: For Mr. Nickel. Thank you. Your signature  
14 is as illegible as mine.

15 MR. WALKER: It is, sir.

16 THE COURT: Okay. Let that be entered into the record.

17 MR. WALKER: Your Honor, there's also waiver of  
18 indictment. I think the Court is going to want that.

19 THE COURT: I am going to want that.

20 MR. WALKER: I hand you this.

21 THE COURT: Thank you.

22 All right. Mr. Stockstill, how does your client wish  
23 to plead?

24 MR. STOCKSTILL: Your Honor, he is going to enter a  
25 plea of guilty to Counts 1 and 2 of a Bill of Information that's

1 been filed by Mr. Nickel.

2 THE COURT: Is that right, Mr. Mitchell, you want to  
3 plead guilty to the two counts?

4 THE DEFENDANT: Yes, sir, Your Honor.

5 THE COURT: There are a number of questions I have to  
6 ask you in order to assure myself that you are entering a valid  
7 plea. If you do not understand any of my questions or if at any  
8 time you want to stop and talk to your lawyer, that's fine, just  
9 let me know as it's essential that you understand each and every  
10 question before you answer. Okay?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: How old are you, sir?

13 THE DEFENDANT: 28 years old.

14 THE COURT: And how far did you go in school?

15 THE DEFENDANT: I graduated high school.

16 THE COURT: You can read and write the English  
17 language?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Have you had any alcohol or drugs in the  
20 past 24 hours?

21 THE DEFENDANT: No, sir.

22 THE COURT: Ever been treated for mental illness or  
23 addiction to alcohol or drugs?

24 THE DEFENDANT: I have.

25 THE COURT: Tell me about that.

1                   THE DEFENDANT: I was treated at two different  
2 facilities, one was Pine Grove Mental Health Facility, and --  
3 Mental Health and Addiction Facility, and then the other one was  
4 Prescott House Mental Health and Addiction Facility.

5                   THE COURT: And how long ago was that?

6                   THE DEFENDANT: About 10 years ago.

7                   THE COURT: And it was for drugs?

8                   THE DEFENDANT: Yes, sir.

9                   THE COURT: Okay. Have you been clean since?

10                  THE DEFENDANT: Yes, sir.

11                  THE COURT: Good for you. All right. Tell me why  
12 you're here today in your own words.

13                  THE DEFENDANT: I'm here today to plead guilty because  
14 it seems like the best option at this point.

15                  THE COURT: Are you here to plead guilty because you  
16 did what they said you did in the Bill of Information?

17                  MR. STOCKSTILL: In the Bill, yeah.

18                  THE DEFENDANT: In the Bill of Information, yeah.

19                  THE COURT: Okay. Thank you.

20                  Mr. Walker, do you have any doubt as to the defendant's  
21 competence to plead?

22                  MR. WALKER: I do not, Your Honor.

23                  THE COURT: Mr. Stockstill, do you?

24                  MR. STOCKSTILL: No, Your Honor.

25                  THE COURT: Based on the responses of Mr. Mitchell and

1 the representation of counsel, the Court finds that Mr. Mitchell  
2 is competent to enter a plea in this matter.

3 Mr. Mitchell, you understand you have the right to be  
4 represented by counsel at trial and every other stage of the  
5 proceedings, and if you cannot afford a lawyer, one will be  
6 appointed to represent you at no cost to you?

7 THE DEFENDANT: Yes, sir, Your Honor.

8 THE COURT: Have you had an ample opportunity to  
9 discuss your case with your lawyer?

10 THE DEFENDANT: I have, Your Honor.

11 THE COURT: Are you satisfied with his representation?

12 THE DEFENDANT: I am, Your Honor.

13 THE COURT: Are you very satisfied?

14 THE DEFENDANT: Very.

15 THE COURT: This gentleman has been furnished a copy of  
16 the Bill, Mr. Stockstill?

17 MR. STOCKSTILL: Yes, sir.

18 THE COURT: Does he waive reading at this point?

19 MR. STOCKSTILL: Yes, sir.

20 THE COURT: Thank you very much.

21 So Mr. Mitchell, you have a constitutional right to be  
22 charged by an indictment by the grand jury. You can waive that  
23 right and consent to being charged by a Bill of Information. If  
24 you do not waive indictment, the government may present the case  
25 to the grand jury and request that it indict you. The grand jury

1 is composed of at least 16 and not more than 23 people, and at  
2 least 12 grand jurors would have to find that there is probable  
3 cause to believe that you committed the crime with which you are  
4 charged before you may be indicted. Do you understand all that?

5 THE DEFENDANT: Yes, sir, Your Honor.

6 THE COURT: Do you understand the grand jury might or  
7 might not indict you, but in fact in this case they did?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. If you waive indictment by the  
10 grand jury, the case can proceed against you on the United States  
11 Attorney's Bill of Information as if you had been indicted. Do  
12 you understand that?

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: You've discussed the idea of waiving your  
15 right to indictment with your lawyer?

16 THE DEFENDANT: Yes, sir, Your Honor.

17 THE COURT: Mr. Stockstill, do you see any reason why  
18 your client should not waive indictment?

19 MR. STOCKSTILL: No, Your Honor, no reason.

20 THE COURT: Mr. Mitchell, have you received any threats  
21 or promises to induce you to waive indictment?

22 THE DEFENDANT: No, sir, Your Honor.

23 THE COURT: Do you wish to waive your right to  
24 indictment?

25 THE DEFENDANT: I do, Your Honor.

1                   THE COURT: I have in my possession a signed document  
2 from Mr. Mitchell and Mr. Stockstill that is the waiver of the  
3 indictment. Once again, I will line through Judge Kay's name and  
4 put my own, and that will be entered into the record. Thank you.

5                   Mr. Mitchell, under the Constitution and laws of the  
6 United States, you are entitled to a trial by a jury of 12 people  
7 on each charge contained in the indictment, or in this case a  
8 Bill of Information. In order to convict you, all 12 jurors  
9 would have to agree to your guilt. Do you understand?

10                  THE DEFENDANT: Yes, sir, Your Honor.

11                  THE COURT: You have the right to plead not guilty,  
12 persist in your plea of not guilty, and at trial you would be  
13 presumed innocent. The government would have to overcome that  
14 presumption and prove you guilty by competent evidence and beyond  
15 a reasonable doubt. You would not have to prove that you were  
16 innocent. Understand?

17                  THE DEFENDANT: Yes, sir, Your Honor.

18                  THE COURT: In the course of trial, the witnesses for  
19 the government would have to come to court and testify in your  
20 presence, and your counsel could cross-examine the witnesses for  
21 the government, object to the evidence offered by the government,  
22 and offer evidence on your behalf. Understand?

23                  THE DEFENDANT: Yes, sir, Your Honor.

24                  THE COURT: At trial, while you would have a right to  
25 testify if you chose to do so, you would also have the right not

1 to be compelled to incriminate yourself and not testify. Do  
2 understand that?

3 THE DEFENDANT: Yes, sir, Your Honor.

4 THE COURT: You would also have the right to summon or  
5 call witnesses. Understand?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: If I recommend accepting your guilty plea,  
8 you will have to waive your right to a trial and the other rights  
9 I've just discussed if the plea is accepted. There would be no  
10 trial. There will simply be entered a judgment of guilty and a  
11 sentence for you on the basis of your guilty plea. Do you  
12 understand?

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: In pleading guilty you will also have to  
15 waive your right not to incriminate yourself because I have to  
16 ask you some questions about what you did in order to satisfy  
17 myself that you are guilty as charged, and in order for you to  
18 answer me, you will be incriminating yourself because you are  
19 pleading guilty. You got that?

20 THE DEFENDANT: Yes, sir, Your Honor.

21 THE COURT: Are you willing to waive your right to  
22 remain silent and not incriminate yourself?

23 THE DEFENDANT: Yes, sir, Your Honor.

24 THE COURT: Are you willing to waive and give up your  
25 right to trial and the other rights I've just discussed?

1                   THE DEFENDANT: Yes, sir, Your Honor.

2                   THE COURT: You've been charged in the Bill of  
3 Information with two counts of transportation of obscene matter  
4 in violation of 18 U.S.C. § 1462. In order to be found guilty,  
5 each of the following elements must be proved by the government  
6 beyond a reasonable doubt:

7                   First: That you knowingly used an interactive computer  
8 service to transport child pornography in interstate commerce;

9                   Second: That you knew at the time of such  
10 transportation the sexually oriented content of the material; and

11                  Third: That the material was obscene.

12                  Do you understand?

13                  THE DEFENDANT: Yes, sir, Your Honor.

14                  THE COURT: If the case were to proceed to trial, the  
15 government would also have the burden of proving proper venue;  
16 that is, the government would have to prove by a preponderance of  
17 the evidence that the offense was begun, continued, or completed  
18 in one of the parishes that makes up the Western District of  
19 Louisiana. Do you understand that?

20                  THE DEFENDANT: Yes, sir, Your Honor.

21                  THE COURT: In your Stipulated Factual Basis it says  
22 that on or about May 11, 2019, you knowingly used an interactive  
23 computer service, an Android LG cell phone with internet  
24 capabilities to download child pornography and bestiality digital  
25 files. You knew at the time of such transportation the sexually

1 oriented content of the material. You admit that you knew the  
2 obscene nature of the files. Do you so admit?

3 THE DEFENDANT: Yes, sir, Your Honor.

4 THE COURT: All right. And it says that you agree that  
5 one or more of the acts constituting the above described offense  
6 took place in the Western District of Louisiana. Do you admit  
7 that?

8 THE DEFENDANT: Yes, sir, Your Honor.

9 THE COURT: Okay. The maximum penalty under Count 1  
10 and 2 -- I'm going to do this one at a time.

11 The maximum penalty under Count 1 is a prison term of  
12 no more than five years, a fine of no more than \$250,000,  
13 supervised release of not less than one year up to three.

14 And under Count 2, the term of imprisonment is no more  
15 than five years, a fine of not more than \$250,000, supervised  
16 release of not less than one year, nor more than three, and a  
17 \$100 special assessment per count for a total of \$200.

18 Do you understand that?

19 THE DEFENDANT: Yes, sir, Your Honor.

20 THE COURT: Mr. Walker, is the government aware of any  
21 sentencing enhancements that might apply under Section 851?

22 MR. WALKER: Under 851, the United States is aware of  
23 the fact that he is currently serving time for a similar offense.  
24 Also there could be an enhancement based on the material that was  
25 on the phone.

1                   THE COURT: So let me back up. Has the government  
2 provided any notice of enhancement?

3                   MR. WALKER: I apologize. 851, there is no notice  
4 under 851 because his sentence is not more than five years.

5                   THE COURT: Thank you very much.

6                   All right. Do you understand what he just said,  
7 Mr. Mitchell?

8                   THE DEFENDANT: Kinda.

9                   THE COURT: Why don't I let you talk to your client  
10 about that.

11                  MR. STOCKSTILL: Okay.

12                  (Brief pause.)

13                  MR. WALKER: Your Honor, before you continue, can I  
14 speak to Mr. Stockstill very briefly?

15                  THE COURT: Of course, of course.

16                  THE DEFENDANT: I understand now, Your Honor.

17                  THE COURT: Okay, hang on.

18                  (Brief pause.)

19                  THE COURT: Mr. Stockstill, are you ready to proceed?

20                  MR. STOCKSTILL: Yes, sir.

21                  THE COURT: Okay. Your client said when you were  
22 talking to Mr. Walker that he understands now.

23                  Is that right, Mr. Mitchell?

24                  THE DEFENDANT: Yes, sir, Your Honor.

25                  THE COURT: Okay, great. In every criminal case in

1 which a defendant may be sentenced to more than one year in  
2 prison, as in this case, in addition to any maximum possible  
3 penalty, the Court shall, which means the Court must order a term  
4 of supervised release to follow that imprisonment, in this case  
5 for not less than one year up to three. Do you understand?

6 THE DEFENDANT: Yes, sir, Your Honor.

7 THE COURT: While on supervised release, you'd be  
8 required to abide by conditions specified by the Court. If you  
9 violated any of those conditions, supervised release could be  
10 revoked. If that happens you could be imprisoned for the full  
11 term of supervised release without credit for time served on  
12 postrelease supervision. Do you understand?

13 THE DEFENDANT: Yes, sir, Your Honor.

14 THE COURT: The offense to which you are pleading  
15 guilty is a felony. If accepted you will be adjudged guilty of  
16 that charge. That adjudication may deprive you of the right to  
17 vote, serve on a jury, or possess a firearm. Understand?

18 THE DEFENDANT: Yes, sir, Your Honor.

19 THE COURT: Has anybody anywhere anytime, directly or  
20 indirectly, threatened you or leaned on you or forced you to  
21 plead guilty or told you if you do not plead guilty further  
22 charges will be brought against you or other adverse action will  
23 be taken against you?

24 THE DEFENDANT: No, sir, Your Honor.

25 THE COURT: There's been a plea agreement entered into

1 between you, your lawyer, and the U. S. Attorney that you've  
2 signed?

3 THE DEFENDANT: Yes, sir, Your Honor.

4 THE COURT: Mr. Walker, you want to give us the  
5 substance, please.

6 MR. WALKER: I do. There is one additional thing that  
7 was made a part of this plea that is not in the agreement. The  
8 prosecution and the defense in this case spoke to Judge Cain.  
9 There was an agreement that, if the guidelines were above this  
10 amount, it was the intent of the United States to recommend that  
11 he receive -- combining the two sentences, he would receive  
12 seven years in prison, and the defense agreed that, if for some  
13 reason the guidelines were below that amount, that he would agree  
14 that the defendant was to receive seven years in prison. It's  
15 not binding on the Court. It's not a C Plea, but the prosecution  
16 and the defense did have a discussion with the judge.

17 As I was looking at this plea agreement, it's not in  
18 there, and I think that that was the something that the defendant  
19 considered in determining whether he was going to accept the  
20 plea, so I just wanted it on the record.

21 THE COURT: Is that correct, Mr. Stockstill?

22 MR. STOCKSTILL: That's exactly correct, Your Honor.

23 THE COURT: And you and Mr. Nickel would have had that  
24 conversation?

25 MR. STOCKSTILL: Yes, sir.

1                   THE COURT: And y'all had that discussion with Judge  
2 Cain?

3                   MR. STOCKSTILL: That's correct.

4                   THE COURT: He's aware of all of this?

5                   MR. STOCKSTILL: Yes, sir.

6                   THE COURT: And your client is aware of all this?

7                   MR. STOCKSTILL: Yes, sir.

8                   THE COURT: And he understands all of that?

9                   THE DEFENDANT: Yes, sir, Your Honor.

10                  THE COURT: Okay.

11                  MR. WALKER: And Your Honor, again, that's not a  
12 C Plea. It's not binding on the Court.

13                  THE COURT: I got it. We're going to talk some more  
14 about that in minute.

15                  MR. WALKER: So the complete plea is that the defendant  
16 will plead guilty to this two-count Bill of Information, and that  
17 if everybody does their obligations, we're going to dismiss the  
18 indictment against the defendant. He knows the maximum penalty.  
19 He knows the fact that he has to pay \$200 at the time of the plea  
20 or thereafter.

21                  He knows what supervised release is, and that a  
22 violation of supervised release could put him back in jail, in  
23 theory, for a term of imprisonment that may actually exceed the  
24 statutory maximum. Any fine or restitution is due and payable  
25 immediately. He authorizes the U. S. Attorney to get his tax

1 returns to pay for restitution.

2 THE COURT: There isn't any restitution in this case,  
3 is there?

4 MR. WALKER: There wouldn't be restitution unless the  
5 victims in the case of the transportation, it was determined  
6 under the Amy Vicky Adam Act, that there was a justification for  
7 restitution. If that were the case, each victim would be  
8 entitled to \$3,500.

9 THE DEFENDANT: I gotcha.

10 Is that right, Mr. Stockstill?

11 MR. STOCKSTILL: I don't disagree with that.

12 THE COURT: Okay.

13 MR. WALKER: The case is governed by Booker and the  
14 Sentencing Reform Act, and that we're going to give everything to  
15 the Court as far as the presentence investigation, and the judge  
16 alone decides what the sentence is, and failure of the judge to  
17 abide by sentencing recommendations of the prosecution and  
18 defense would not be a basis to set aside this plea, and that is  
19 the entirety of the agreement.

20 THE COURT: Mr. Stockstill, do you agree that the  
21 substance of the plea has been correctly stated?

22 MR. STOCKSTILL: Yes, sir.

23 THE COURT: Mr. Mitchell, do you agree the plea  
24 agreement has been correctly stated?

25 THE DEFENDANT: Yes, sir, Your Honor.

1                   THE COURT: And I want to make sure that we're all on  
2 the same page here. This discussion that we just had about the  
3 seven years, do you remember that?

4                   THE DEFENDANT: Yes, sir.

5                   THE COURT: You understand that it is entirely the  
6 discretion of Judge Cain in this case what your sentence will be?

7                   THE DEFENDANT: Yes, sir, Your Honor.

8                   THE COURT: He doesn't have to go with either one of  
9 those if he doesn't want to.

10                  THE DEFENDANT: Yes, sir, Your Honor.

11                  THE COURT: Mr. Walker, before this plea agreement was  
12 executed, had either you or Mr. Nickel communicated to  
13 Mr. Stockstill every plea offer the government was prepared to  
14 make up until it was executed?

15                  MR. WALKER: We would. There was one other plea  
16 agreement that we offered that was more severe than this plea  
17 agreement.

18                  THE COURT: Okay. Mr. Stockstill, before this plea  
19 agreement was executed, had you communicated every plea offer the  
20 government communicated to you to your client?

21                  MR. STOCKSTILL: Yes, sir.

22                  THE COURT: Mr. Mitchell, has anybody anywhere anytime,  
23 directly or indirectly, made any promise to you, other than the  
24 plea agreement, that induced you to plead guilty?

25                  THE DEFENDANT: No, sir, Your Honor.

1                   THE COURT: And like I just said, any recommendation of  
2 sentence agreed to by your counsel and the U. S. Attorney is not  
3 binding on the sentencing court, and you might on the basis of  
4 your guilty plea receive a more severe sentence than recommended.  
5 If that happens you understand you will not have the right to  
6 withdraw your guilty plea. You will still be bound by it.

7                   THE DEFENDANT: Yes, sir, Your Honor.

8                   THE COURT: Has anybody anywhere anytime, directly or  
9 indirectly, made any promise to you as to what your sentence will  
10 be?

11                  THE DEFENDANT: No, sir, Your Honor.

12                  THE COURT: The United States Sentencing Commission has  
13 issued guidelines for judges to consider in determining an  
14 appropriate sentence. While the Court must consider the  
15 guidelines and use the guidelines as its initial benchmark, the  
16 United States Supreme Court has ruled the guidelines are not  
17 mandatory, and the Court is not bound by the guidelines. Do you  
18 understand that?

19                  THE DEFENDANT: Yes, sir, Your Honor.

20                  THE COURT: Have you and your lawyer talked about how  
21 the guidelines might apply to your case?

22                  THE DEFENDANT: Yes, sir, Your Honor.

23                  THE COURT: You understand, if the government is  
24 agreeing not to prosecute the other counts or charges that was  
25 contained in the indictment, that conduct might be considered in

1 the presentence report?

2 THE DEFENDANT: Yes, sir, Your Honor.

3 THE COURT: All right. Mr. Walker, is the government  
4 aware of any facts, besides those in the indictment, the Bill of  
5 Information, and the Stipulated Factual Basis, that might affect  
6 relevant conduct and the guideline computations for Mr. Mitchell?

7 MR. WALKER: No, Your Honor.

8 THE COURT: Great. Mr. Mitchell, under some  
9 circumstances, you or the government may have a right to appeal  
10 any sentence that is imposed, and you would have the right to  
11 appeal without payment of costs. Do you understand?

12 THE DEFENDANT: Yes, Your Honor.

13 THE COURT: Parole has been abolished in the federal  
14 system. If you do get any prison time, you will not be released  
15 on parole. Do you understand that?

16 THE DEFENDANT: Yes, sir, Your Honor.

17 THE COURT: Do you have any questions you wish to ask  
18 of either the Court or your lawyer at this point?

19 THE DEFENDANT: No, sir, Your Honor.

20 THE COURT: Mr. Walker, you want to make your filings,  
21 please.

22 MR. WALKER: Your Honor, at this time we would file the  
23 plea packet. Two things have been filed already, but within this  
24 is a Bill of Information, Elements of the Offense, Understanding  
25 of Maximum Penalty and Constitutional Rights, Stipulated Factual

1 Basis. Those are the things that are in the plea packet.

2 THE COURT: Any objection?

3 MR. STOCKSTILL: No objection.

4 THE COURT: Without objection let it be admitted.

5 Mr. Stockstill, you've gone through these documents  
6 with your client?

7 MR. STOCKSTILL: Yes, sir, I have.

8 THE COURT: Any question in your mind he doesn't  
9 understand them?

10 MR. STOCKSTILL: No, sir, he understands them.

11 THE COURT: Mr. Mitchell, you've gone through these  
12 documents with your lawyer, specifically, the Bill of  
13 Information, the Elements of the Offense, the Understanding of  
14 Maximum Penalty and Constitutional Rights, the Plea Agreement,  
15 and the Stipulated Factual Basis for your guilty plea?

16 THE DEFENDANT: Yes, sir, Your Honor.

17 THE COURT: You've read them all?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: With the exception of the Bill of  
20 Information, you've signed them all?

21 THE DEFENDANT: Correct, Your Honor.

22 THE COURT: Did you do so voluntarily?

23 THE DEFENDANT: Yes, sir, Your Honor.

24 THE COURT: You weren't coerced in any way, were you?

25 THE DEFENDANT: No, sir.

1                   THE COURT: You weren't under any form of duress, were  
2 you?

3                   THE DEFENDANT: No, sir.

4                   THE COURT: Then how do you wish to plead to Count 1 of  
5 the Bill of Information, guilty or not guilty?

6                   THE DEFENDANT: Guilty, Your Honor.

7                   THE COURT: How do you wish to plead to Count 2 of the  
8 Bill of Information, guilty or not guilty?

9                   THE DEFENDANT: Guilty, Your Honor.

10                  THE COURT: Since you acknowledge you are in fact  
11 guilty as charged in Counts 1 and 2 of the Bill of Information,  
12 since you know your right to a trial and what the maximum  
13 possible penalty is, and since you are voluntarily pleading  
14 guilty, it is my finding and recommendation to Judge Cain that,  
15 in the case of United States of America versus Mitchell, Criminal  
16 Number 20-cr-177, that the defendant is fully competent and  
17 capable of entering an informed plea, that this plea of guilty is  
18 a knowing and voluntary plea supported by an independent basis in  
19 fact, containing each of the essential elements of the offense as  
20 referenced, that Judge Cain therefore accept the plea and adjudge  
21 the defendant guilty of those offenses.

22                  Presentence investigation is ordered. 70-day local  
23 rule is waived. Mr. Mitchell, I urge you to cooperate with the  
24 probation officer in furnishing information for that report as it  
25 will be important in the decision as to what your sentence will

1 be. You have a right to have your lawyer present when you give  
2 information to the probation officer if you wish. You will have  
3 an opportunity to read that report before sentencing. You will  
4 also be allowed to speak or have your lawyer speak for you at the  
5 sentencing hearing. Sentencing will be set for October 13, 2022,  
6 at 1:30 p.m. before Judge Cain at the United States District  
7 Court in Lake Charles.

8 Presentence memoranda are due 14 days before that, and  
9 any response by the government no later than seven days  
10 thereafter.

11 Mr. Stockstill, if you want to submit evidence or  
12 testimony, please let Judge Cain know.

13 It is my order that the court reporter transcribe this  
14 hearing and file a copy of that transcript into the record and  
15 furnish a copy to Judge Cain and to me.

16 It is my further order the clerk notify both parties of  
17 the filing of the transcript at which time I will file my written  
18 report and recommendation to Judge Cain.

19 The defendant is to remain in custody pending  
20 sentencing.

21 Anything else from the government?

22 MR. WALKER: No, Your Honor.

23 THE COURT: Anything else from the defense?

24 MR. STOCKSTILL: No, sir.

25 THE COURT: All right. Good luck, Mr. Mitchell.

1 THE DEFENDANT: Thank you, sir.

2 THE COURT: We're in recess.

3 (Hearing concluded.)

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7 C E R T I F I C A T E

8 I, Cathleen E. Marquardt, RMR, CRR, Federal Official Court  
9 Reporter, do hereby certify this 20th day of August, 2022, that  
10 the foregoing pages 1-24 constitute a true transcript of  
11 proceedings had in the above-entitled matter.

12 /s/ Cathleen E. Marquardt  
13 Federal Official Court Reporter  
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